Motion GRANTED

## IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

MIDDLE DISTRICT	OF TENNESSEE A A
NASHVILLE	DIVISION
	TOUR CONT
IOHN TOODE	V 40 - //
JOHN T. GORE,	)
	)
Plaintiff,	) Case No. 3-02 1008
vs.	) Judge Trauger
	) Magistrate Judge Brown
EL DACO ENEDON CODDODATION	) Magistrate stage brown
EL PASO ENERGY CORPORATION	)
LONG TERM DISABILITY PLAN and	)
EL PASO ENERGY CORPORATION,	)
	)
Defendants.	)

## MOTION FOR LEAVE TO FILE SUR-REPLY BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION TO RECONSIDER

On March 10, 2008, Defendants filed a Motion for Attorneys' Fees as the prevailing parties in this case. (Docket Entry No. 147). In Plaintiff's opposition to same, he disclosed for the first time he has a pending bankruptcy case. Plaintiff filed his Voluntary Petition on January 17, 2005 (Docket Entry No. 1), over three vears after he filed this lawsuit. Plaintiff, however, never identified his claims against Defendants as assets in his bankruptcy case. Indeed, to the contrary, Plaintiff has sworn to the Bankruptcy Court that he has no such claims. Plaintiff's sworn misrepresentations judicially estop him from asserting any claims against Defendants now and are an independent basis for the Court to deny Plaintiff's Motion to Reconsider and affirm its Order dismissing this lawsuit.